

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JUSTIN BAKER,

Plaintiff,

v.

AVENUE5 RESIDENTIAL,

Defendant.

CASE NO. **2:23-cv-01207-RSL**

**ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL**

Plaintiff's motion for appointment of counsel, Dkt. 6, has been referred to the undersigned Magistrate Judge. Dkt. 14

There is no right to counsel in civil actions. *See Campbell v. Burt*, 141 F.3d 927, 931 (9th Cir. 1998). A court may appoint counsel for indigent civil litigants under 28 U.S.C. § 1915(e)(1), but only if there are "exceptional circumstances." *Agyeman v. Corrections Corp. of Am.*, 390 F.3d 1101, 1103 (9th Cir. 2004). To determine if "exceptional circumstances" exist, the Court considers "the likelihood of success on the merits as well as the ability of the [plaintiff] to articulate his claims pro se in light of the complexity of the legal issues involved." *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983).

Plaintiff has not shown there are extraordinary circumstances that warrant appointment of counsel. Plaintiff's claims revolve around allegations against the owner of the building in which

1 he currently resides. Plaintiff sued the prior owner of this building alleging various violations of
2 federal law. *See Baker v. Thrive Communities*, 22-872-LK. He now sues the current owner of the
3 building again raising various violations of federal law. Plaintiff's past case and the present case
4 demonstrate he has the ability to sufficiently articulate his claims and to present his case.
5 Plaintiff voluntarily dismissed the earlier suit he brought against *Thrive*, after Defendants filed a
6 motion to dismiss, and there is presently insufficient information to conclude Plaintiff's present
7 claims have a strong likelihood of success. The Court accordingly **ORDERS**:

8 (1) Plaintiff's motion for appointment of counsel, Dkt. 6, is **DENIED**.

9 (2) The Clerk shall provide the parties with a copy of this Order.

10 DATED this 19th day of October, 2023.

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BRIAN A. TSUCHIDA
United States Magistrate Judge
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